

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

SMARTPHONE TECHNOLOGIES, LLC,)
)
Plaintiff,)
-----) -----
v.)
RESEARCH IN MOTION CORP., et al.,) Civil Action No. 6:10-cv-0074-LED-JDL
)
Defendants.) JURY TRIAL DEMANDED
)

**DEFENDANTS' NOTICE OF PLAINTIFF'S NON-OPPOSITION TO DEFENDANTS'
OBJECTIONS TO AND MOTION FOR RECONSIDERATION OF THE
AMENDED MEMORANDUM OPINION AND ORDER REGARDING
CLAIM CONSTRUCTION (D.I. 402)**

Defendants Apple Inc. and AT&T Mobility LLC respectfully submit this Notice of Plaintiff's Non-Opposition to Defendants' Objections to and Motion for Reconsideration of the Amended Memorandum Opinion and Order Regarding Claim Construction (D.I. 402) (hereinafter "Motion for Reconsideration"). *See* D.I. 413. Defendants filed the Motion for Reconsideration on August 20, 2012. Pursuant to Local Rules 6 & 7, Plaintiff's response was due on September 6, 2012. Plaintiff has failed to file a response in this matter.¹

For the reasons set forth in the Joint Claim Construction and Prehearing Statement, Defendants' Responsive *Markman* Brief, the *Markman* hearing, and in Defendants' Motion for Reconsideration (D.I. 413), Defendants respectfully request that the Court grant Defendants' Motion for Reconsideration.

¹ Plaintiff filed a response to HTC's Motion for Reconsideration of the Court's Claim Construction Order in related Civil Action No. 6:10-cv-580-LED-JDL.

Dated: September 10, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on this 10th day of September, 2012. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Jeffrey G. Randall
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